

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	2:08-cv-07923-FMC-JCx	Date	January 16, 2009
Title	Diandrea Bryant v. IndyMac Bank et al		

Present: The Honorable	FLORENCE-MARIE COOPER		
Alicia Mamer	Not Reported		N/A
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Not present		Not present	

**Proceedings:** ORDER TO SHOW CAUSE (In Chambers)

On December 2, 2008, Pro se Plaintiff Diandrea Bryant filed a Complaint, asserting claims for Wrongful Trustee Sale, Intentional Misrepresentation, Negligent Misrepresentation, Intentional Infliction of Emotional Distress, Fraud, Breach of Contract, Quiet Title, Abuse of Process, and Civil Conspiracy.<sup>1</sup> The Court has reviewed Plaintiff's Complaint and is not satisfied that Plaintiff has stated one or more claims over which this Court has jurisdiction.

This Court is a court of limited jurisdiction. The Court may only hear cases arising out of federal law ("federal question jurisdiction") or cases between citizens of different states ("diversity jurisdiction"). See 15 Moore's Federal Practice §100.20 (Matthew Bender 3d ed. 2004). Additionally, Federal Rule of Civil Procedure 8(a) requires that a complaint include "a short and plain statement of the grounds upon which the court's jurisdiction depends."<sup>2</sup> Each allegation in a pleading "must be simple, concise, and direct." Fed. R. Civ. P. 8(d)(2).

Here, Plaintiff's Complaint does not include any indication that diversity jurisdiction is implicated here. Although it appears that Plaintiff may believe that federal question jurisdiction exists, it is not clear from the allegations in his Complaint that Plaintiff's dispute with Defendant arises out of federal law.<sup>3</sup> If this Court does not have subject matter jurisdiction, the case cannot proceed in federal court.

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<sup>1</sup>Pro se simply means that a party is representing himself, rather than being represented by a lawyer.

<sup>2</sup>The Federal Rules of Civil Procedure are the "rules of the road" for federal civil lawsuits, like this one. All litigants must read and follow these rules. In addition to being available at law libraries, the Rules may be found online at <http://www.law.cornell.edu/rules/frcp/>.

<sup>3</sup>In addition to being available at law libraries, the text of federal law can be found (and searched) online at <http://www.gpoaccess.gov/uscode/index.html>. Another useful online resource for searching federal law may be found at <http://www.law.cornell.edu/uscode/>.

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Therefore, Plaintiff is ORDERED TO SHOW CAUSE why his Complaint should not be dismissed for lack of federal subject matter jurisdiction. Within thirty (30) days of the date of this Order, Plaintiff must file either a brief (a written explanation) or an amended complaint that: (1) identifies the specific federal law on which he bases his claim, and (2) includes clear, concise factual allegations of the circumstances and events that form the basis of his dispute with Defendant. Otherwise, the case will be dismissed.

\_\_\_\_\_: N/A

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